



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,708	12/13/2001	Satoshi Yoshihara	09792909-5277	2210

33448 7590 11/02/2006

ROBERT J. DEPKE
LEWIS T. STEADMAN
ROCKEY, DEPKE, LYONS AND KITZINGER, LLC
SUITE 5450 SEARS TOWER
CHICAGO, IL 60606-6306

EXAMINER

WORKU, NEGUSSIE

ART UNIT PAPER NUMBER

2625

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/022,708

Applicant(s)

YOSHIHARA ET AL.

Examiner

Negussie Worku

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-11 and 13-15 is/are allowed.
- 6) ☒ Claim(s) 12 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Negussie Worku
10/26/06

DOUGLAS Q. TRAN
PRIMARY EXAMINER

Tran

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 11, 2006, has been entered.

Claim Objections

2. Claim 16 is objected to because of the following informalities: Claim 16 is not further limited to which claims might be depend. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2625

4. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinugasa (USP 5,043,817) in view of Beckett (USP 5, 852, 502)

With respect to claim 12, Kinugasa teach or discloses image scanner (as shown in fig 6) comprising: a solid-state image sensing device (16, 17 and 18 of fig 6) for an image sensor to read a document image, (object 19 of fig 1) solid-mage sensing device (fig 6) comprising:

at least first group of color sensors device (16 of fig 6), and second group of monochrome sensors devices (17 and 18 of fig 6) formed on the same chips, (sensors 16, 17 and 18 are on same chips CCD) each of the sensors comprising a pixel line and a charge-transfer part for transferring signal charge to be read from each pixel of the pixel line; and

driving means (sensor driving 11 of fig 5) which stops charge-transfer driving of the signal charges of the color sensors (sensor shown in fig 6, are color sensor) during a reading period of the sensors, (as discussed in col:8, lines 35 through 65, the signal are red out every one horizontal scanning period in one row unit, --- all row have been completely read out with in different time period, fig 7C).

However, Kinugasa et al., does not expressly teach a reading period of monochrome sensor. **But** Beckett teaches a monochrome sensor (22 of fig 1) is arranged beside a color sensor (24 of fig 1).

Art Unit: 2625

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified the imaging device of Kinugasa to include: monochrome sensor.

It would have been obvious to a person with ordinary skill in the art at the time the invention was made to have modified Kinugasa imaging device by the teaching of Beckett for the purpose of obtaining a preferable color or monochrome image choice for all the prints of different color.

Allowable Subject Matter

6. The following is a statement of reasons for the indication of allowable subject matter: Claims 1 through 15 are Allowed.

With respect to claims 1-11 and 13-15 are allowed for the reason the prior art searched and of record neither anticipates nor suggest the claimed invention as amended.

Conclusion

7. Applicant's response filed October 11, 2006, has been reviewed and respectfully considered. Applicant's arguments with respect to claims 1-11, 13-15, have been found persuasive, and the above indicated claims have been allowed.

However, the rejection to claims 12 have been maintained for the reason that Examiner believes that the prior art used to reject the application still read on the claim 12 as amended.

Art Unit: 2625

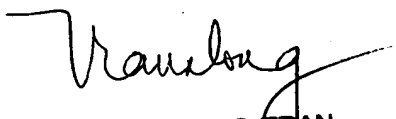
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Negussie Worku whose telephone number is 571-272-7472. The examiner can normally be reached on 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore, can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Negussie Worku
Patent Examiner
Art Unit 2625
OCTOBER 26, 2006



DOUGLAS Q. TRAN
PRIMARY EXAMINER